

City Council Agenda

Council President
Jerry Duncan

Councilmembers

**Tom Boyajian
Brian Calhoun
Mike Dages**

**Henry T. Perea – Acting President
Cynthia Sterling
Larry Westerlund**

City Manager
Andrew T. Souza

City Clerk
Rebecca E. Klisch, CMC

City Attorney
Hilda Cantú Montoy

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

MARCH 7, 2006

If you would like to speak fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on (www.ci.fresno.ca.us). The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.

8:30 A.M. ROLL CALL

Invocation by Pastor G.L. Johnson of the Peoples Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Proclamation of "QUALITY COLLEGE OF CULINARY CAREERS DAY" – Councilmember Westerlund

Council action on unscheduled items if any shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council there will first be a staff presentation followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of February 28, 2006

Action Taken:

Councilmember Reports and Comments

Action Taken

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **CONSENT CALENDAR**

(All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered immediately following.

A. * **RESOLUTION** - 65th amendment to AAR No. 2005-286 appropriating \$40,000 for the Southeast Weed and Seed Grant Program (***Requires 5 affirmative votes***) – Police Dept.

Action Taken:

B. Approve Lonnie Schardt to the City of Fresno Bicycle and Pedestrian Advisory Committee – Councilmember Calhoun; and appointments of Anthony Martinez and Rebecca Johnston to the Roosevelt Implementation Committee – Councilmember Dages

Action Taken:

C. **RESOLUTION** - Approving the application to and acceptance of California State Department of Housing and Community Development Workforce Housing Reward Grant Funds in the amount of \$715,000 - Planning and Development Department

Action Taken:

D. **RESOLUTION** - Supporting retention of \$1 billion dollars earmarked for State Route 99– City Manager's Office

Action Taken:

E. **RESOLUTION** – Of intention to annex Final Tract Map No. 5357 to the City of Fresno Community Facilities District No. 11, Annexation No. 1; and setting the public hearing for March 28, 2006 at 10:10 a.m. – Public Works Dept..

Action Taken:

F. **RESOLUTION** - Of intention to annex Final Tract Map No. 5338 to the City of Fresno Community Facilities District No. 11, Annexation No. 4; and setting the public hearing for March 28, 2006 at 10:15 a.m. – Public Works Dept..

Action Taken:

2. **CONTESTED CONSENT CALENDAR**

3. **CITY COUNCIL**

- A. Request update from Public Works Director on the status and completion time line for the Herndon construction project - Councilmember Calhoun
Action Taken:
- B. **RESOLUTION** – Supporting the acquisition and assignment of F-15C Eagle Fighter Aircraft for the 144th Fighter Wing for defense of the southwestern continental United States – Councilmember Westerlund
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:00 A.M. A. **SCHEDULED COMMUNICATION**

- B. **UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date.

9:15 A.M. **GENERAL ADMINISTRATION**

9:30 A.M. Urban Forest Workshop: Presentation to Council and direction to staff – Public Works Dept.

10:30 A.M. Approve resolutions relating to the Office of Independent Police Auditor – City Manager's Office
Action Taken:

- a. * **RESOLUTION** – Submitting a proposed Charter amendment to City Electors relating to the Office of Independent Police Auditor
Action Taken:
- b. * **RESOLUTION** – Submitting an advisory measure to City Electors relating to the Office of Independent Police Auditor
Action Taken:

2:00 P.M. **CLOSED SESSION**

A. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION -**

Government Code Section 54956.9, Subdivision (a)

1. **Case Name:** City of Fresno v. Garfield Park Highlands, et al.
2. **Case Name:** County of Kern v. City of Fresno (West Coast Waste, Inc.; Tule Ranch/Magan Ranch; Earthwise Organics, Inc., Real Parties In Interest); Fresno Superior Court Case No. SC 05CECG04045

Action Taken:

B. **CONFERENCE WITH LABOR NEGOTIATOR** – Government Code Section 54957.6 (Council member Dages)

City Negotiator(s): Kenneth Phillips

Employee Organization(s):

1. Fresno Police Officers Association (FPOA Basic Unit)

Action Taken:

C. **CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION -**

Government Code Section 54956.9, Subdivision (b)

Significant Exposure to Litigation:

1. Paynter Realty & Investments, Inc., v. City of Fresno

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 3:00 P.M.** Appearance by Dr. Moreno from the Dept. of Community Health to provide information regarding Avian Influenza
- 3:30 P.M.** **HEARING** to consider the 2006 Weed Abatement Program
Action Taken:
a. **BILL (For introduction)** – Approving the 2006 Weed Abatement Program
Action Taken:
- 3:45 P.M.** **HEARING** to consider Rezone Application No. R-05-110, and environmental findings, filed by David D. Chinn on behalf of K.J. Worldwide Investments, Inc., pertaining to approximately 0.07 acre of property located on the southerly corner of the intersection of San Benito and “E” Streets **(Property located in District 3)** - Planning and Development Dept.
Action Taken:
a. Consider and adopt Environmental Assessment No. R-05-110, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan
Action Taken:
b. **BILL** – Amending the Official Zone Map to rezone the subject property from the C-5 (*General Commercial*) zone district to the R-3 (*Medium Density Multiple Family Residential*) zone district.
Action Taken:
- 5:00 P.M.** **HEARING** to consider Rezone Application No. R-04-48, Conditional Use Permit Application No. C-04-126, and environmental findings, filed by Gary Vigen on behalf of James Medina, pertaining to 0.19 acre of property located on the southeast corner of E. Princeton Avenue and N. Van Ness Boulevard **(Property located in District 1)** - Planning and Development Dept.
Action Taken:
a. Consider and adopt Environmental Assessment No. R-04-48/C-04-126, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan
Action Taken:
b. **RESOLUTION** – Approve Conditional Use Permit Application No. C-04-126 for property located on the southeast corner of North Van Ness Boulevard and East Princeton Avenue
Action Taken:
c. **BILL** – Amending the Official Zone Map to rezone the subject property from the R-1 (*Single Family Residential*) zone district to the C-5/cz (*General Commercial/conditions of zoning*) zone district **(Planning Commission Recommendation)**
Action Taken:
d. **BILL** – Amending the Official Zone Map to rezone the subject property from the R-1 (*Single Family Residential*) zone district to the C-5/cz (*General Commercial/conditions of zoning*) zone district **(Staff Alternative)**
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

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| Mar. | 14 - | 10:00 A.M. | HEARING re: the vacation of a portion of Browning Avenue east of Brawley Avenue. – Resolution of Intention No. 1049-D |
| Mar. | 14 - | 10:15 A.M. | HEARING re: Rezone Application No. R-05-24, filed by Union Community Holdings |
| Mar. | 14 - | 10:20 A.M. | HEARING re: Rezone Application No. R-05-61, filed by Centex Homes on behalf of Damrong and Somluck Pattanumotana and Ahmed Khaled |
| Mar. | 14 - | 10:30 A.M. | HEARING re: Rezone Application No. R-05-106, filed by Ethan Smith |
| Mar. | 14 - | 10:40 A.M. | HEARING re: Resolution of necessity for easement Tract No. 5414 |
| Mar. | 14 - | 10:45 A.M. | Approve the addition of pai-gow and 21 st Century Bacarat to the games at Club One – Councilmember Sterling |
| Mar. | 14 - | 11:00 A.M. | CONTINUED HEARING to consider Community Facilities District No. 11, Annexation No. 2, Tract No. 5316 – Public Works Dept |
| Mar. | 14 - | 2:30 P.M. | Assess Fulton Mall and make recommendations to Council/Redevelopment Agency by September 1 st .- Councilmember Calhoun |

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

Mar.	14 -	2:45 P.M.	Spatial Needs Assessment Final Draft for the Fire/Law Enforcement Administrative Complex and Communications Center – Police Dept.
Mar.	14 -	3:15 P.M.	Accept City of Fresno Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2005 and related letter to management – Finance Dept.
Mar.	14 -	4:00 P.M.	JOINT RDA HEARING on proposed amendments to the Redevelopment Plan for the Chinatown Expanded Redevelopment Project and the negative declaration prepared in connection with the proposed amendments
Mar.	21 -	NO MEETING – COUNCIL BREAK	
Mar.	28 -	10:00 A.M.	HEARING re: Rezone Application No. R-05-028, filed by John Allen on behalf of Image Homes, Inc.
Mar.	28 -	10:10 A.M.	HEARING re: Community Facilities District No. 11, Annexation No. 1, Tract No. 5357
Mar.	28 -	10:15 A.M.	HEARING re: Community Facilities District No. 11, Annexation No. 4, Tract No. 5338
Mar.	28 -	10:30 A.M.	HEARING re: Rezone Application No. R-05-01, filed by Anthony Pings, on behalf of Wei-Shing Su
Mar.	28 -	10:45 A.M.	Annual update report on Empowerment Zone performance measures presented by Chairman of the Empowerment Zone Board of Directors, Frank Gallegos
Mar.	28 -	2:30 P.M.	WORKSHOP relating to inclusionary housing – Councilmember Westerlund
Mar.	28 -	4:00 P.M.	RESOLUTION - re: BNSF Figarden Siding Issue – Councilmember Calhoun
Mar.	28 – (time to be determined) -		HEARING to adopt a resolution adopting a Citywide Impact fee for local regionally significant major streets and an impact fee based on quadrants for local major streets to implement the goals, objectives and policies of 2025 General Plan – Public Works Dept.
Apr.	4 -	10:00 A.M. #1	HEARING re: Community Facilities District No. 2, Annexation No. 113, Tract No. 5442
Apr.	4 -	10:00 A.M. #2	HEARING re: Community Facilities District No. 2, Annexation No. 114, Tract No. 5445
Apr.	4 -	10:00 A.M. #3	HEARING re: Community Facilities District No. 2, Annexation No. 115, Tract No. 5446
Apr.	4 -	10:00 A.M. #4	HEARING re: Community Facilities District No. 2, Annexation No. 116, Tract No. 5211
Apr.	11 -	NO MEETING – EASTER BREAK	
Apr.	18 -	8:30 A.M.	Presentation of the P.R.I.D.E. Team Certificates (Reception immediately following – 2 nd floor foyer)
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Apr.	18 -	10:00 A.M.	WORKSHOP on East Fresno Water Issues
Apr.	18 -	5:30 P.M.	CONTINUED HEARING – Adopt a resolution designating Building 8, the Former Retail Shed of the Sugar Pine Lumber Company (Pinedale Assembly Center Site, Camp Pinedale) 7435 N. Ingram Avenue to the Local Register of Historic Resources
May	2 -	3:00 P.M.	Presentation of Employee Service Awards Certificates (Reception immediately following – 2 nd floor foyer)